



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

### MEMORANDUM

TO: Barbara Coler, Chief  
Permitting and Corrective Action Division  
Hazardous Waste Management Program

FROM: John E. Scandura  
Southern California Branch Chief  
Office of Military Facilities

SUBJECT: CORRECTIVE ACTION COMPLETE DETERMINATION AND  
BOUNDARY MODIFICATION FOR THE SALE PARCELS AT THE  
FORMER MARINE CORPS AIR STATION EL TORO

DATE: July 23, 2004

This memorandum is to request your approval of the RCRA Corrective Determination for the Marine Corps Air Station (MCAS) El Toro hazardous waste facility. DTSC mailed the public notice to approximately 600 individuals on the MCAS El Toro mailing list on April 30, 2004. A public notice was published in the Los Angeles Times and the Orange County Register on May 2, 2004. The 45-day public comment period started on May 3, 2004, and ended on June 17, 2004. The same notice invited the public to comment on the Draft Final Finding of Suitability to Transfer (FOST) for certain properties at MCAS El Toro that was prepared by Department of the Navy (DON).

DTSC's determination has been completed based on a file review, concurrence with the MCAS El Toro Finding of Suitability to Transfer, and the findings, supporting documentation, and correspondence from the Santa Ana Regional Water Quality Control Board and Orange County Health Care Agency.

DTSC considered all public comments related to the Determination and RCRA Facility Boundary Modification during the public comment period, concurred with the Final FOST, and finalized a Notice of Exemption prepared for the project under the California Environmental Quality Act (CEQA). The Navy received comments on the Draft Final

Barbara Coler  
July 23, 2004  
Page 2

FOST and will incorporate responses to those comments in the Final FOST. The approval package includes the following:

1. Corrective Action Complete Determination Letter
2. Concurrence Letter on Final FOST
3. DTSC Response to Comments
4. Final Notice of Exemption
5. Fact Sheet/Notice
6. Public Notice
7. Proof of Publication

Please call me at (714) 484-5440 or call Tayseer Mahmoud at (714) 484-5419 if you have any questions.

#### Attachments

cc: Mr. Watson Gin  
Deputy Director  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812

Ms Dorothy Rice (w/o attachments)  
Deputy Director  
Site Mitigation and Brownfield's Reuse Program  
Department of Toxic Substances Control  
P. O. Box 806  
Sacramento, California 95812

Mr. Rick Moss (w/o attachments)  
Division Chief  
Office of Military Facilities  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Barbara Coler  
July 23, 2004  
Page 3

cc: Ms. Karen Baker, Chief  
Geology, Permitting and Corrective Action Branch  
Permitting and Corrective Action Division  
5796 Corporate Avenue  
Cypress, California 90630

Mr. Charles Ridenour, Chief  
Federal Facilities Unit  
Department of Toxic Substances Control  
Office of Military Facilities  
8800 Cal Center Drive  
Sacramento, California 95826

Mr. Manny Alonzo, Chief  
Base Closure Unit  
Department of Toxic Substances Control  
Office of Military Facilities  
5796 Corporate Avenue  
Cypress, California 90630



Terry Tamminen  
Agency Secretary  
Cal/EPA

## Department of Toxic Substances Control

700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

July 23, 2004

Mr. F. Andrew Piszkin, P.E.  
BRAC Environmental Coordinator  
Marine Corps Air Station El Toro  
Base Realignment and Closure  
7040 Trabuco Road  
Irvine, California 92618

### CORRECTIVE ACTION COMPLETE DETERMINATION AND BOUNDARY MODIFICATION FOR THE SALE PARCELS AT THE FORMER MARINE CORPS AIR STATION EL TORO, IRVINE, CALIFORNIA

Dear Mr. Piszkin:

The Department of Toxic Substances Control (DTSC) has reviewed the Final Finding of Suitability to Transfer (Parcel IV and Portions of Parcels I, II, and III), former Marine Corps Air Station El Toro (MCAS El Toro), California, dated July 2004, and finds that Corrective Action, as required by California Health and Safety Code section 25200.10, has been completed for all hazardous constituent releases on the portions of MCAS El Toro proposed for sale and transfer by deed. The hazardous waste facility boundary of MCAS El Toro is hereby modified to exclude the property identified for transfer by deed.

MCAS El Toro is a Resource Conservation Recovery Act (RCRA) hazardous waste facility which operated under a Part B Storage Permit until it expired in 2003. As a hazardous waste facility, MCAS El Toro is required to conduct corrective action for all releases of hazardous constituents on all contiguous property owned or operated by MCAS El Toro. RCRA corrective action applies to a broad range of hazardous substance releases and is not limited to hazardous waste. All spills and releases of fuel, oil, and hazardous chemicals are subject to RCRA corrective action. Because of this, DTSC makes the determination that corrective action has been completed based on a DTSC file review, review of the MCAS El Toro Finding of Suitability to Transfer, and relying on findings, supporting documentation and correspondence from the Santa Ana Regional Water Quality Control Board and the Orange County Health Care Agency.

Identification of hazardous constituent releases was completed through a RCRA Facility Assessment; an historical aerial photograph survey; the aboveground and underground storage tank inventory and closure program; a polychlorinated bi-phenyls (PCBs)

transformer and equipment inventory, and through assessments conducted under the U.S. Navy's Installation Restoration Program (IRP). DTSC has determined that there are no RCRA-regulated hazardous waste treatment, storage or disposal units existing in the parcels proposed for deed transfer. In addition, the following locations of concern have been identified and addressed within the parcels proposed for deed transfer:

- 1) 113 hazardous substance and IRP locations of concern that received regulatory concurrence for No Further Action decisions,
- 2) 211 aboveground and underground storage tank sites that received regulatory closure letters, and
- 3) 106 other locations which were evaluated for presence of PCBs, or other miscellaneous hazardous materials.

The MCAS El Toro Finding of Suitability to Transfer (FOST) documents environmental findings to support that the property proposed for transfer is suitable for transfer by deed. The FOST documents that corrective action has been conducted for all hazardous waste, hazardous substance and hazardous constituent releases identified by previous environmental assessments and that those actions were conducted to adequately protect human health, safety and the environment. The FOST further documents that the deed transfer property will not be negatively impacted by adjacent properties and contiguous carve-out Finding of Suitability to Lease properties where corrective action has not been completed.

This Corrective Action Complete determination is made based on the completeness of environmental assessments to identify releases and the accuracy of documentation provided DTSC in support of corrective action completion. Where the Orange County Health Care Agency or the Santa Ana Regional Water Quality Control Board has provided regulatory closure letters (see item 2 above), DTSC has not conducted independent evaluations of these actions and is basing its determination on the respective agency findings. DTSC reserves the right to require additional corrective action should new information arise.

Mr. F. Andrew Piszkin, P.E.  
July 23, 2004  
Page 3

If you have questions or comments concerning this matter, please contact DTSC's Office of Military Facilities Division Project Manager, Mr. Tayseer Mahmoud, at (714) 484-5419.

Sincerely,



Barbara Coler, Chief  
Permitting and Corrective Action Division  
Hazardous Waste Management Program

cc: Mr. Robert Woodings  
Restoration Advisory Board  
Co-chair  
23161 Lake Center Drive, Suite 100  
Lake Forest, California 92630

Ms. Marcia Rudolph  
Restoration Advisory Board  
Subcommittee Chair  
24922 Muirlands #139  
Lake Forest, California 92630

Mr. Walter F. Sandza, P.E.  
Naval Facilities Engineering  
Command  
Southwest Division Code - 03EN  
1220 Pacific Highway  
San Diego, California 92132-5187

Mr. Robert Kirkbright, P.E.  
Naval Facilities Engineering  
Command  
Southwest Division - 03EN  
1220 Pacific Highway  
San Diego, California 92132-5187

Ms. Laura Duchnak  
Naval Facilities Engineering Command  
Southwest Division  
1220 Pacific Highway  
San Diego, California 92132-5187

Ms. Kyle Olewnik  
Remedial Project Manager  
Naval Facilities Engineering Command  
Southwest Division - Code 06CC KO  
1220 Pacific Highway  
San Diego, California 92132-5187

Ms. Kathleen Johnson, Chief  
Federal Facilities and Site Cleanup Branch  
U.S. Environmental Protection Agency  
Region IX  
Superfund Division (SFD-8)  
75 Hawthorne Street  
San Francisco, California 94105-3901

Ms. Arlene Kabei  
Division Director  
U.S. Environmental Protection Agency  
Region IX  
Waste Management Division (WST-1)  
75 Hawthorne Street  
San Francisco, California 94105-3901

Mr. F. Andrew Piszkin, P.E.

July 23, 2004

Page 4

cc: Ms. Nicole Moutoux  
Remedial Project Manager  
U.S. Environmental Protection  
Agency Region IX  
Superfund Division (SFD-8-1)  
75 Hawthorne Street  
San Francisco, California 94105-3901

Ms. Polin Modanlou  
County of Orange  
Planning and Development Services  
Department  
300 North Flower Street, 3rd Floor  
Santa Ana, California 92703

Mr. Steven Sharp  
Orange County Health Care Agency  
2009 East Edinger Avenue  
Santa Ana, California 92705

Mr. Daniel Jung  
Director of Strategic Programs  
City of Irvine  
P.O. Box 19575  
Irvine, California 92623-9575

Mr. John Broderick  
Remedial Project Manager  
Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, California 92501-3348

Ms. Dorothy Rice  
Deputy Director  
Site Mitigation and Brownfields Reuse  
Program  
Department of Toxic Substances Control  
1001 I Street  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Rick Moss  
Division Chief  
Office of Military Facilities  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826

Mr. Tayseer Mahmoud  
Southern California Branch  
Office of Military Facilities  
5796 Corporate Avenue  
Cypress, California 90630

Mr. Watson Gin  
Deputy Director  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street  
P.O. Box 806  
Sacramento, California 95812-0806



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

July 22, 2004

Mr. F. Andrew Piszkin, P.E.  
BRAC Environmental Coordinator  
Marine Corps Air Station El Toro  
Base Realignment and Closure  
7040 Trabuco Road  
Irvine, California 92618

### CONCURRENCE ON FINDING OF SUITABILITY TO TRANSFER (PARCEL IV AND PORTIONS OF PARCELS I, II, AND III), FORMER MARINE CORPS AIR STATION EL TORO

Dear Mr. Piszkin:

The Department of Toxic Substances Control (DTSC) has reviewed electronic versions of the revised text, tables, figures and attachments for the *Finding of Suitability to Transfer (Parcel IV and Portions of Parcels I, II, and III), Former Marine Corps Air Station, El Toro, California*, dated July 2004. Based upon review of the revised text, tables, figures and attachments, DTSC comments sent in a letter dated June 17, 2004 have been adequately addressed.

This document, referred to as the FOST, is intended to establish that the property identified above is suitable for transfer by deed. There are specified areas that are subject to ongoing environmental investigations or response actions that are not suitable for transfer by deed. These areas have been carved out of the parcels proposed for transfer and are included in the *Finding of Suitability to Lease for Carve-outs Within Parcels I, II, and III, Former Marine Corps Air Station, El Toro, California*, dated July 2004.

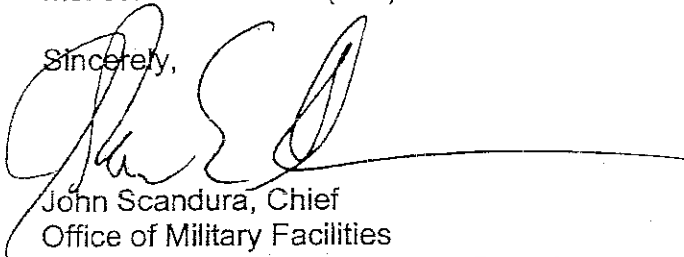
DTSC concurs that the property associated with this FOST can be transferred with the specified conditions, notifications and restrictions in a manner that is protective of human health and the environment.



Mr. F. Andrew Piszkin, P.E.  
July 22, 2004  
Page 2

Thank you for providing DTSC with the opportunity to review the FOST. If you have any questions regarding this letter, please contact Mr. Manny Alonzo at (714) 484-5425 or Ms. Jennifer Rich at (714) 484-5415.

Sincerely,



John Scandura, Chief  
Office of Military Facilities  
Southern California Operations Branch

cc: Mr. Robert Woodings  
Restoration Advisory Board Co-chair  
23161 Lake Center Drive, Suite 100  
Lake Forest, California 92630

Ms. Marcia Rudolph  
Restoration Advisory Board Subcommittee Chair  
24922 Muirlands #139  
Lake Forest, California 92630

Ms. Polin Modanlou  
County of Orange  
Planning and Development Services Department  
300 North Flower Street, 3<sup>rd</sup> Floor  
Santa Ana, California 92703

Mr. Steven Sharp  
Orange County Health Care Agency  
2009 East Edinger Avenue  
Santa Ana, California 92705

Mr. Daniel Jung  
Director of Strategic Programs  
City of Irvine  
P.O. Box 19575  
Irvine, California 92623-9575

Mr. F. Andrew Piszkin, P.E.

July 22, 2004

Page 3

cc: Ms. Content Arnold  
Lead Remedial Project Manager  
Naval Facilities Engineering Command  
Southwest Division – Code 06CC.KO  
1220 Pacific Highway  
San Diego, California 92132-5187

Ms. Kyle Olewnik  
Remedial Project Manager  
Naval Facilities Engineering Command  
Southwest Division – Code 06CC.KO  
1220 Pacific Highway  
San Diego, California 92132-5187

Ms. Nicole Moutoux  
Remedial Project Manager  
U. S. Environmental Protection Agency Region IX  
Superfund Division (SFD-8-1)  
75 Hawthorne Street  
San Francisco, California 94105-3901

Mr. John Broderick  
Remedial Project Manager  
California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, California 92501-3348



## Department of Toxic Substances Control

5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

Terry Tamminen  
Agency Secretary  
Cal/EPA

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL OFFICE OF MILITARY FACILITIES

#### RESPONSE TO COMMENTS FOR RCRA CORRECTIVE ACTION COMPLETE DETERMINATION & RCRA FACILITY BOUNDARY MODIFICATION

#### MARINE CORPS AIR STATION EL TORO JULY 2004

The California Department of Toxic Substances Control (DTSC) issued a public notice on a proposed Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination and a RCRA Hazardous Waste Facility Boundary Modification at the former Marine Corps Air Station (MCAS) El Toro. DTSC also publicly noticed a proposed Notice of Exemption (NOE) prepared for the project under the California Environmental Quality Act (CEQA). The same notice invited comments on the Draft Final Finding of Suitability to Transfer (FOST) for certain properties at MCAS El Toro that was prepared by Department of the Navy (DON). DTSC mailed the public notice to approximately 600 individuals on the MCAS El Toro mailing list on April 30, 2004. A public notice was published in the Los Angeles Times and the Orange County Register on May 2, 2004. The 45-day public comment period started on May 3, 2004, and ended on June 17, 2004. DTSC considered all public comments related to the Determination and RCRA Facility Boundary Modification during the public comment period, concurred with the Final FOST, finalized a NOE, and made a decision to approve the Determination and RCRA Facility Boundary Modification. The DON received comments on the Draft Final FOST and has responded to those comments in Attachment 4 of the Final FOST.

The following are the DTSC's responses to comments received during the public comment period for the RCRA Corrective Action Complete Determination:

#### **Comment by Charles Griffin 6/17/2004:**

The Draft Final Finding of Suitability to Transfer (FOST) for certain property at the former Marine Corps Air Station (MCAS) El Toro and the proposed Resource Conservation Recovery Act (RCRA) Corrective Action Complete Determination and hazardous waste facility boundary modification are intuitively, obviously, absolutely, and

categorically inappropriate and incomplete because they have been prepared and published for the purpose of transferring contaminated property for use as private residences and public municipal park and recreation uses. The obvious appropriate use of this property is as an international airport operated by Los Angeles World Airports (LAWA) as illustrated on the website <http://www.ocxeltoro.com>. The Draft Final Finding of Suitability to Transfer (FOST) for certain property at the former Marine Corps Air Station (MCAS) El Toro and the proposed Resource Conservation Recovery Act (RCRA) Corrective Action Complete Determination and hazardous waste facility boundary modification would be appropriate for the Navy to sell the closed MCAS El Toro to LAWA who could purchase it with FAA Aid-to-airport grant funds in order to expand aviation operations to meet the ever expanding air-transportation market in Southern California.

An international airport at El Toro operated as proposed per <http://www.ocxeltoro.com> would remove ever growing pressure to use a portion of the Marine bases at Camp Pendleton and Miramar as a commercial airport, and would provide the FAA airport funds (instead of Navy funds) to mitigate the contamination at the MCAS El Toro and to filter underground water contaminated in the future by the existing migrating underground toxic plum at the airport (as normal airport operating expenses).

An international airport at El Toro would provide a base for military aircraft to protect against the growing inherent international terrorist threat against an aircraft suicide attack on the nuclear power plant at nearby San Onofre, and provide a base for aerial water-tankers to protect the contiguous natural wildlife preserve that stretches from the Riverside County line to the Pacific Ocean and provides wide natural uninhabited air corridors for arrival to and departure from an airport at El Toro into the prevailing on-shore wind and seasonal Santa Ana winds.

**DTSC Response:** Thank you for your comment. DTSC is responding to a portion the comments as it relates to RCRA Corrective Action Complete Determination. DTSC does not agree that the property is contaminated and not suitable for the intended reuses (private residences and public municipal park and recreation uses). The FOST documents that corrective action has been conducted for all hazardous waste, hazardous substance and hazardous constituent releases identified by previous environmental assessments and that those actions were conducted to adequately protect human health, safety, and the environment. Also, the FOST provides the necessary disclosure, notification, and use restrictions that apply to each parcel.

The California Health and Safety Code section 25187 authorizes DTSC to require corrective action for any release from a hazardous waste facility such as Marine Corps

Air Station El Toro. Identification of hazardous constituent releases was completed through a RCRA Facility Assessment; a historical aerial photograph survey; the aboveground and underground storage tank inventory and closure program; a polychlorinated bi-phenyls (PCBs) transformer and equipment inventory, and through assessments conducted under the U.S. Navy's Installation Restoration Program (IRP). DTSC made the determination based on the completion of the investigation and cleanup of hazardous waste areas conducted under several programs. These programs are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) overseen by DTSC, the Regional Water Quality Control Board (RWQCB), and the United States Environmental Protection Agency (U.S. EPA); and underground/aboveground storage tank cleanup programs overseen by the RWQCB and the Orange County Health Care Agency (OCHCA). Environmental impacts associated with past and present activities at the subject property have been investigated and appropriate remedial action has taken place at the locations of concern where hazardous substance releases might have occurred. All of the above actions were conducted in order to adequately protect human health and the environment.

The remaining comments on the reuse of the El Toro property as an airport is noted and DTSC will not provide a response because the comments are not related to the RCRA Corrective Action Complete Determination.

**Comment by Greg Hurley, Greenberg Traurig, LLP May 6, 2004:**

It is my understanding that the Navy last week formally published the FOST. I expect that this happened after your 2 day BCT meeting on final comments on the FOST & FOSL.

Is it true that at the end of this comment period the FOST is considered final? Do the regulators accept the published FOST as being adequate? It is my understanding that there are still outstanding issues on what the FOST must contain. For example, DTSC's position on lead based paint sampling, and incorporating the data on Perchlorate into the FOST & EBS. How will these be disclosed after the approval of the FOST?

**DTSC Response:** The Draft Final Revision 2 Finding of Suitability to Transfer (FOST) was formally public noticed and available for public comment from May 3, 2004 through June 17, 2004. Regulatory agencies and DON held a two-day meeting on April 21 - 22, 2004 and discussed comments on the Draft Final FOST that would be released on May 3, 2004. During the 45-day public comment period, DTSC and DON did not receive a request for a public meeting or an extension request beyond the comment period. Therefore, the public comment period is considered closed.

Response to Comments  
RCRA Corrective Action Complete Determination  
July 2004  
Page 4

The Navy has responded to all comments submitted by the regulatory agencies and the public and the responses are included in Attachment 4 of the July 2004 Final FOST, Comments/Responses to Comments. Issues that have not been resolved, if any, can be found in Attachment 5, Unresolved Comments. After review of the Final FOST and consideration of public comments on the document, DTSC concurred on the Final FOST on July 22, 2004.

Regarding lead-based paint (LBP), DTSC and the DON continue to "agree to disagree" on whether lead from LBP is considered a CERCLA release. DTSC considers the presence of exterior LBP that has been released to the soil to be CERCLA release. And, while there has been no evaluation of soil-lead hazards at nonresidential buildings, DTSC has determined that the appropriate notifications and restrictions have been included in the FOST to ensure public health and environmental protection.

In regard to perchlorate, DTSC requested that a notification of perchlorate in groundwater be included in the FOST. While a notification will not be in the FOST itself, the DON will provide a fact sheet that includes information on perchlorate detections at the former MCAS El Toro as part of the due diligence material for the upcoming public sale. The fact sheet will also be posted on the public sale website.

**NOTICE OF EXEMPTION**

**To:** Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** Department of Toxic Substances Control  
Office of Military Facilities  
5796 Corporate Avenue  
Cypress, California 90630

**Project Title:** Corrective Action Complete Determination for FOST Parcels (Parcel IV and Portions of Parcels I, II, and III) and Change of Facility Boundaries at Former Marine Corps Air Station El Toro, CA

**Project Location – Specific:** Former Marine Corps Air Station, El Toro

**Project Location – City:** Irvine

**Project Location – County:** Orange

**Description of Project:**

The Department of Toxic Substances Control (DTSC) is making a determination that corrective action has been completed for approximately 2,798 acres of property at the former Marine Corps Air Station, El Toro (MCAS El Toro) as identified in Final Finding Of Suitability to Transfer (FOST) (Parcel IV and Portions of Parcels I, II, and III) dated July 2004. These parcels were subject to corrective action requirements of the California Hazardous Waste Control Law and the federal Resource Conservation and Recovery Act (RCRA) because they were part of the property of MCAS El Toro, which is an inactive RCRA hazardous waste facility. MCAS El Toro had a RCRA permit that expired in 2003. The RCRA corrective action requirements for the FOST parcels have been completed through investigation and cleanup actions overseen by DTSC, the Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the United States Environmental Protection Agency (U.S. EPA) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and by underground/aboveground storage tank investigation and cleanup actions overseen by the RWQCB and Orange County Health Care Agency. This RCRA corrective action complete determination allows the Department of the Navy to transfer identified parcels to new owners without transferring the associated RCRA corrective action liability. There are no additional physical activities associated with this corrective action complete decision by DTSC for the MCAS El Toro FOST parcels. There are building use restrictions associated with the property transfer due to the presence of lead-based paint and asbestos containing building materials on buildings.

The Navy is retaining approximately 994.7 acres of the facility where closure and corrective action have not been completed. This retained property remains subject to RCRA closure and corrective action requirements. On April 26, 2004, the Department of the Navy submitted to DTSC a map showing the new boundaries of the former MCAS El Toro hazardous waste facility after carving out the FOST parcels. Consistent with its proposed decision that RCRA corrective action has been completed, DTSC is changing the boundaries of the former MCAS El Toro RCRA hazardous waste facility property.

**Background**

Construction of the former MCAS El Toro began in July 1942, and was commissioned in March 1943. El Toro was a USMC pilot's fleet operational training center and air station in support of Fleet Marine Forces, Pacific. Station activities included aircraft operations and maintenance. The 1990 Defense Base Realignment and Closure Commission (BRAC) recommended MCAS El Toro for closure. MCAS El Toro was operationally closed in 1999. MCAS El Toro occupied 4,712 acres until recently. In 1998, 23 acres were transferred to the California Department of Transportation for an expansion of California Interstate 5. In 2001, 896.7 acres of the northeast portion were transferred to the Federal Aviation Administration. Of the remaining 3,792.7 acres, the FOST parcels make up approximately 2,798 acres. Ownership of approximately 994.7 acres not currently suitable for transfer is being retained by the U.S. Navy until environmental response actions including closure and corrective action are completed. 921 acres of the retained property are proposed to be leased under a separate Finding of Suitability to Lease (FOSL). The FOSL established restrictions necessary to allow use of the property without impeding environmental cleanup and to prevent human exposure to hazardous substances during cleanup.

MCAS El Toro was listed on the U.S. EPA National Priorities List and signed a Federal Facility Agreement under CERCLA in 1990. Since then, MCAS El Toro has been performing the CERCLA environmental clean up and restoration of the former base under the guidance and regulatory authority of DTSC, the RWQCB Santa Ana Region, and the U.S. EPA.

Petroleum releases and investigation and cleanup of underground storage tanks and aboveground storage tanks have been performed under the guidance and regulatory authority of the RWQCB and Orange County Health Care Agency.

#### The Finding of Suitability to Transfer (FOST) Parcels

The "Final Finding of Suitability to Transfer (Parcel IV and Portions of Parcels I, II, and III), Former MCAS El Toro, California," dated July 2004, summarizes the investigation and cleanup of releases of hazardous substances on the parcels. The FOST was available for public review concurrent with DTSC's proposed Corrective Action Complete Determination from May 3, 2004 to June 17, 2004. The purpose of a FOST for the United States Department of the Navy is to document environmentally related findings that support the conclusion that real property made available through the Base Realignment and Closure (BRAC) process at the former MCAS El Toro, California, is suitable for transfer by deed per provisions of Section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). In addition, the FOST identifies disclosure notifications and use restrictions, as specified in the Notifications and Restrictions section, necessary to protect human health or the environment.

The FOST parcels include approximately 2,798 acres of developed and undeveloped land on 4 parcels. Each of the parcels was evaluated for areas where a hazardous substance release is suspected to have occurred; where a documented release has occurred; or, based on the types of activities that occurred in an area, had the potential for a past release. These areas are identified as Locations of Concern or LOCs. The LOCs include sites where waste was handled, known spill or disposal sites, storage tanks, waste-water treatment system sites, PCBs transformers, and other miscellaneous sites. The FOST documents that corrective action has been completed for all LOCs and references associated no further action status decision documents. Please note that the actual number of LOCs is 430, however, some LOCs are located in more than one parcel.

The portion of Parcel I proposed for transfer, also known as Transfer Parcel I-A, consists of approximately 809.5 acres in the northwest portion of the facility. It contains 225 buildings/structures including residential and commercial buildings. Parcel I-A has 218 Locations of Concern (LOCs) which were investigated for contaminant releases.

The portion of Parcel II proposed for transfer, also known as Transfer Parcel II-A, consists of approximately 1,439.6 acres in the central portion of the facility. It contains 1078 buildings/structures and 201 LOCs.

The portion of Parcel III proposed for transfer, also known as Transfer Parcel III-A, consists of approximately 329 acres in the southwest portion of the facility. It contains 10 buildings/structures and 17 LOCs.

Parcel IV is proposed to transfer in its entirety and consists of approximately 219.4 acres at the southernmost extent of the facility. It consists of agricultural lands and contains no structures or LOCs.

The FOST includes a Notifications and Restrictions section which provides warranted notifications and/or restrictions on certain activities to ensure post-transfer use of the FOST parcels is protective of human health and the environment. Notifications are disclosures associated with each parcel such as locations of the Locations of Concern and typical real property disclosures including but not limited to: use and storage of hazardous substances and petroleum products, closed CERCLA cleanup sites, former underground and aboveground storage tanks, wastewater treatment and related systems such as oil-water separators and wash racks, polychlorinated biphenyls containing transformers and storage areas, pesticide use, asbestos containing building materials and lead-based paint. Since many of the buildings are proposed for demolition after transfer, asbestos and lead-based paint abatement has not been completed in all buildings. Specific restrictions limit or prevent certain occupancy or use of these buildings pending either asbestos-containing material and lead paint surveys and abatement or proper demolition. Restrictions discussed in the FOST will be incorporated into the deeds of affected properties within the FOST parcels.

Boundaries between the FOST parcels and retained property were established using: 1) site characterization, 2) buffer zones established in Records of Decisions for Installation Restoration Program Sites, 3) buffer zones established by the California Integrated Waste Management Board for landfills, and 4) conservative estimates of the extent of probable contamination including allowance for adequate staging area used for sites needing further evaluation.

Finally, in accordance with CERCLA, the FOST provides for Right of Access and Covenant. CERCLA requires that for any property transferred from federal ownership to non-federal public or private ownership, the deed will contain a warranty. In effect, the deed for transfer of any property on which a Location of Concern is identified will include a covenant, warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of such transfer and that any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States.



Name of Public Agency Approving Project: Department of Toxic Substances ControlName of Person or Agency Carrying Out Project: Department of Toxic Substances Control

## Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(A));  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  
☐ Categorical Exemption. State type and section number: \_\_\_\_\_  
☐ Statutory Exemptions. State code number: \_\_\_\_\_  
☒ General Rule (Sec. 15061(b)(3))

Exemption Title: With certainty, no possibility of a significant environmental effect.

## Reasons Why Project is Exempt:

1. The project does not involve any physical activities at the former MCAS El Toro. The project is an administrative decision by DTSC that previously completed investigations and cleanup activities conducted under the regulatory oversight of DTSC, the U.S. EPA, the Regional Water Quality Control Board, Santa Ana Region, and the Orange County Health Care Agency, on the property identified in the Finding of Suitability to Transfer (FOST) as Parcel IV and Portions of Parcels I, II, and III, have satisfied the corrective action requirements under RCRA and California Hazardous Waste Control Law. The boundary defining the former MCAS El Toro hazardous waste facility is being modified to exclude the FOST property. No offsite impacts will occur as a result of moving the facility boundaries.

2. The entire former El Toro is listed on the Hazardous Waste and Substances Site List and on the Calsites List. However, for the FOST parcels, all environmental studies and remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the property have been taken. On this basis, DTSC finds that RCRA corrective action is complete for these parcels.

  
Tayseer Mahmoud, Senior Hazardous Substances Engineer  
Lead Agency Contact Person

(714) 484-5419  
Phone #

  
DTSC Branch Chief Signature

7/23/04  
Date

John Scandura  
DTSC Branch Chief Name

Chief, Southern California Branch,  
Office of Military Facilities  
DTSC Branch Chief Title

## TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: \_\_\_\_\_



**Notice  
of  
Proposed Corrective Action Complete  
Determination  
Former Marine Corps Air Station El Toro  
Orange County, California**



The California Department of Toxic Substances Control (DTSC) is providing this notice to the community to review and comment on a proposed Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination at the Former Marine Corps Air Station (MCAS) El Toro. This notice provides information regarding the purpose of the determination, the property subject of this determination, and opportunity for public comment.

## **Introduction**

MCAS El Toro was commissioned in 1943 as a Marine Corps pilot fleet operation training facility and was expanded into a master jet station and Marine Corps aviation center. The facility included runways, aircraft maintenance, training facilities, housing, and other support facilities. MCAS El Toro was operationally closed in July 1999. The majority of the facilities are now vacant and the primary activities at the station are caretaker-related activities and environmental investigation and cleanup of contaminated properties.

## **What is RCRA Corrective Action?**

Corrective action is required of a hazardous waste facility to clean up contamination that resulted from past practices on their entire property. A hazardous waste facility is any facility that treats, stores, or disposes hazardous waste in accordance with authorization issued under RCRA. MCAS El Toro had a RCRA permit that expired in August 2003. Permitted facilities are required to clean up contaminated soil, surface water, and groundwater to protect human health and the environment under a process known as corrective action.

A RCRA Corrective Action Complete Determination officially recognizes that all hazardous waste contamination has been cleaned up. It allows the Navy to transfer clean parcels at Former MCAS El Toro to new owners without transfer of the liability for corrective action.

At MCAS El Toro, DTSC proposes to make this determination based on the completion of the investigation and cleanup of

### **Public Comment Period**

**May 3, 2004  
to  
June 17, 2004**

The Department of Toxic Substances Control (DTSC) invites you to review and comment on the proposed Corrective Action Complete Determination for Portions of Parcels I, II, and III, and Parcel IV at the Former MCAS El Toro, as described in the Navy's Finding of Suitability to Transfer (FOST). As the proposed determination will not create a significant effect upon the environment, DTSC has proposed a California Environmental Quality Act (CEQA) Notice of Exemption, which will also be available for review.

**All written comments must be postmarked no later than June 17, 2004, and should be mailed or e-mailed to:**

Tayseer Mahmoud  
Project Manager  
DTSC  
5796 Corporate Avenue  
Cypress, CA 90630

(714) 484-5419  
[tmahmoud@dtsc.ca.gov](mailto:tmahmoud@dtsc.ca.gov)

hazardous waste areas conducted under several programs. These programs are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), overseen by DTSC, the Regional Water Quality Control Board (RWQCB) and the United States Environmental Protection Agency (U.S. EPA), and the underground/aboveground storage tank cleanup programs overseen by the RWQCB and the Orange County Health Care Agency (OCHCA). Where the Orange County Health Care Agency or the Santa Ana Regional Water Quality Control Board has provided regulatory closure letters, DTSC has not conducted independent evaluations of these actions and is basing its determination on the respective agency findings.

Not all of MCAS El Toro has been cleaned up. The Navy is retaining ownership of 991.7 acres that are not currently suitable for transfer due to ongoing investigation and cleanup work. RCRA Closure and Corrective Action requirements continue to apply to the retained property. A map showing the original and revised MCAS El Toro hazardous waste facility boundaries is attached.

## **The Land Proposed for Transfer**

The Navy's Finding of Suitability to Transfer (FOST) documents the environmental suitability of federally owned property at MCAS El Toro for transfer to non-federal ownership consistent with CERCLA and Department of Defense policy. The FOST identifies notifications and restrictions necessary to protect human health and the environment that apply to the property being transferred.

*The Draft Final FOST (Portions of Parcels I, II, and III, and Parcel IV), Former Marine Corps Air Station El Toro, California, May 2004,* summarizes the Navy's environmental investigation and cleanup activities conducted for each of the parcels proposed for transfer.

The FOST provides the necessary disclosure, notifications, and use restrictions that apply to each parcel. The use restrictions will be included in the deed for each parcel. The transferring parcels in the FOST comprise 2,801 acres of the former MCAS El Toro. Each parcel was evaluated for hazardous substance releases that may have occurred based on the types of historic activities. These areas are identified as Locations of Concern. The locations include sites where waste was handled, known spill or disposal sites, storage tanks, waste-water treatment system sites, PCB transformers, and other miscellaneous sites. The FOST concludes that corrective action has been completed for all Locations of Concern within the transferring parcels.

Parcel	Acreage	Number of Facilities	Locations of Concern
I	808.4	224	216
II	1444	1072	189
III	329	10	17
IV	219.4	0	0

For more information about the parcels, please see the FOST in its entirety.

This DTSC determination shall have no effect upon the MCAS El Toro National Priorities List site designation.

## **California Environmental Quality Act Notice of Exemption**

A draft Notice of Exemption (NOE) has been prepared for this project. DTSC has determined that the proposed RCRA Corrective Action Complete Determination for the FOST parcels and the changes to the Former MCAS El Toro boundaries will not have a significant impact on the environment. The draft NOE is available for review at the Information Repositories.

**- PUBLIC NOTICE -**  
**MARINE CORPS AIR STATION EL TORO**  
**Finding of Suitability for Transfer (FOST)**  
**and**  
**Proposed RCRA Corrective Action Complete Determination**  
**and**  
**RCRA Facility Boundary Modification**

The Department of the Navy invites the public to review and comment on a Draft Final Finding of Suitability to Transfer (FOST) for certain property at the former Marine Corps Air Station (MCAS) El Toro. The Draft Final FOST concludes that property specifically identified in that document is environmentally suitable for transfer in accordance with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act.

The California Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Resource Conservation Recovery Act (RCRA) Corrective Action Complete Determination and RCRA hazardous waste facility boundary modification. DTSC finds that all necessary contamination clean up has been completed on the property described in the FOST and proposes to exclude this property from the MCAS El Toro RCRA hazardous waste facility property boundary. A summary of DTSC's proposed Corrective Action Complete Determination and RCRA facility boundary modification has been included in the Draft Final FOST as a section of that document. DTSC has prepared a California Environmental Quality Act Notice of Exemption for the RCRA Determination and facility boundary modification.

MCAS El Toro is a RCRA hazardous waste facility (Facility). Its operating permit expired on August 18, 2003. Corrective action is required at RCRA Facilities to investigate and clean up contamination in the soil and groundwater from past practices. The Draft Final FOST documents that all necessary corrective action has been completed for the property proposed for transfer by deed. DTSC has determined that corrective action requirements continue to apply to the remaining MCAS El Toro property. The maps and detailed descriptions of the property are included in the FOST.

**PUBLIC REVIEW AND COMMENT PERIOD**  
**May 3 through June 17, 2004**

The public is encouraged to comment on the Draft Final FOST and DTSC's proposed Corrective Action Complete Determination and RCRA Facility boundary modification for MCAS El Toro during the 45-day public comment period.

The Draft Final FOST and associated documents and a copy of the proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification are available for public review and comment at MCAS El Toro and at the MCAS El Toro Information Repository. To review copies of these documents at MCAS El Toro, please contact Ms. Marge Flesch at (949) 726-5398. The Information Repository is located at:

Heritage Park Regional Library, 14361 Yale Avenue, Irvine, California, (949) 551-7151 (call for current hours).

Access to review public records supporting the Santa Ana Regional Water Quality Control Board or Orange County Health Care Agency cleanup and corrective action decisions for underground storage tanks and above-ground storage tanks relied upon in the Draft Final FOST and proposed RCRA Corrective Action Completion Determination and RCRA Facility boundary modification, including "no further action" decisions, may be reviewed by contacting the Santa Ana Regional Water Quality Control Board at (909) 782-4499 or the Orange County Health Care Agency at (714) 834-3536.

### **Submitting Public Comments**

Written comments submitted on the Draft Final FOST should be postmarked, faxed, or e-mailed by **June 17, 2004**, and sent to:

Mr. F. Andrew Piszkin  
Base Realignment and Closure Environmental Coordinator  
MCAS El Toro  
7400 Trabuco Road, Irvine, CA 92618  
Fax: (949) 726-6586  
e-mail: [Frank.Piszkin@navy.mil](mailto:Frank.Piszkin@navy.mil)

Written comments on the proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification should be postmarked, faxed, or e-mailed by **June 17, 2004**, and sent to:

Mr. Tayseer Mahmoud  
DTSC Project Manager  
5796 Corporate Avenue, Cypress, CA 90630  
Fax: (714) 484-54xx  
e-mail: [TMahmoud@dtsc.ca.gov](mailto:TMahmoud@dtsc.ca.gov)

For more information on the Draft Final FOST, please call Mr. Piszkin at (619) 532-0784. For more information on the RCRA Corrective Action Complete Determination and RCRA Facility boundary modification, please call Mr. Mahmoud at (714) 484-5419.

- PUBLIC NOTICE -  
**MARINE CORPS AIR STATION EL TORO**  
**Finding of Suitability for Transfer (FOST)**

and  
**Proposed RCRA Corrective Action Complete Determination**  
and  
**RCRA Facility Boundary Modification**

The Department of the Navy invites the public to review and comment on a Draft Final Finding of Suitability to Transfer (FOST) for certain property at the former Marine Corps Air Station (MCAS) El Toro. The Draft Final FOST concludes that property specifically identified in that document is environmentally suitable for transfer in accordance with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act.

The California Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Resource Conservation Recovery Act (RCRA) Corrective Action Complete Determination and RCRA hazardous waste facility boundary modification. DTSC finds that all necessary contamination clean up has been completed on the property described in the FOST and proposes to exclude this property from the MCAS El Toro RCRA hazardous waste facility property boundary. A summary of DTSC's proposed Corrective Action Complete Determination and RCRA facility boundary modification has been included in the Draft Final FOST as a section of that document. DTSC has prepared a California Environmental Quality Act Notice of Exemption for the RCRA Determination and facility boundary modification.

MCAS El Toro is a RCRA hazardous waste facility (Facility). Its operating permit expired on August 18, 2003. Corrective action is required at RCRA Facilities to investigate and clean up contamination in the soil and groundwater from past practices. The Draft Final FOST documents that all necessary corrective action has been completed for the property proposed for transfer by deed. DTSC has determined that corrective action requirements continue to apply to the remaining MCAS El Toro property. The maps and detailed descriptions of the property are included in the FOST. This DTSC determination shall have no effect upon the MCAS El Toro National Priorities List site designation.

**PUBLIC REVIEW AND COMMENT PERIOD**  
**May 3 through June 17, 2004**

The public is encouraged to comment on the Draft Final FOST and DTSC's proposed Corrective Action Complete Determination and RCRA Facility boundary modification for MCAS El Toro during the 45-day public comment period.

The Draft Final FOST and associated documents and a copy of the proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification are available for public review and comment at MCAS El Toro and at the MCAS El Toro Information Repository. To review copies of these documents at MCAS El Toro, please contact Ms. Marge Fiesch at (949) 726-5398. The information Repository is located at: Heritage Park Regional Library, 74361 Yale Avenue, Irvine, California, (949) 551-7151 (call for current hours).

Access to review public records supporting the Santa Ana Regional Water Quality Control Board or Orange County Health Care Agency cleanup and corrective action decisions for underground storage tanks and above-ground storage tanks relied upon in the Draft Final FOST and proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification, including "no further action" decisions, may be reviewed by contacting the Santa Ana Regional Water Quality Control Board at (909) 782-4499 or the Orange County Health Care Agency at (714) 834-3536.

**Submitting Public Comments**

Written comments submitted on the Draft Final FOST should be postmarked, faxed, or e-mailed by **June 17, 2004**, and sent to:

Mr. F. Andrew Piszkin  
Base Realignment and Closure Environmental Coordinator  
MCAS El Toro  
7400 Trabuco Road, Irvine, CA 92618  
Fax: (949) 726-6586  
e-mail: [Frank.Piszkin@navy.mil](mailto:Frank.Piszkin@navy.mil)

Written comments on the proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification should be postmarked, faxed, or e-mailed by **June 17, 2004**, and sent to:

Mr. Tayseer Mahmoud  
DTSC Project Manager  
5796 Corporate Avenue, Cypress, CA 90630  
Fax: (714) 484-5437  
e-mail: [TMahmoud@dtsc.ca.gov](mailto:TMahmoud@dtsc.ca.gov)

For more information on the Draft Final FOST, please call Mr. Piszkin at (619) 532-0784. For more information on the RCRA Corrective Action Complete Determination and RCRA Facility boundary modification, please call Mr. Mahmoud at (714) 484-5419.

LA Times  
May 2, 2004

**- PUBLIC NOTICE -**

**MARINE CORPS AIR STATION EL TORO  
Finding of Suitability for Transfer (FOST)  
and  
Proposed RCRA Corrective Action Complete Determination  
and  
RCRA Facility Boundary Modification**

The Department of the Navy invites the public to review and comment on a Draft Final Finding of Suitability to Transfer (FOST) for certain property at the former Marine Corps Air Station (MCAS) El Toro. The Draft Final FOST concludes that property specifically identified in that document is environmentally suitable for transfer in accordance with Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

The California Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Resource Conservation Recovery Act (RCRA) Corrective Action Complete Determination and RCRA hazardous waste facility boundary modification. DTSC finds that all necessary contamination clean up has been completed on the property described in the FOST and proposes to exclude this property from the MCAS El Toro RCRA hazardous waste facility property boundary. A summary of DTSC's proposed Corrective Action Complete Determination and RCRA facility boundary modification has been included in the Draft Final FOST as a section of that document. DTSC has prepared a California Environmental Quality Act Notice of Exemption for the RCRA Determination and facility boundary modification.

MCAS El Toro is a RCRA hazardous waste facility (Facility). Its operating permit expired on August 18, 2003. Corrective action is required at RCRA Facilities to investigate and clean up contamination in the soil and groundwater from past practices. The Draft Final FOST documents that all necessary corrective action has been completed for the property proposed for transfer by deed. DTSC has determined that corrective action requirements continue to apply to the remaining MCAS El Toro property. The maps and detailed descriptions of the property are included in the FOST. This DTSC determination shall have no effect upon the MCAS El Toro National Priorities List site designation.

**PUBLIC REVIEW AND COMMENT PERIOD  
May 3 through June 17, 2004**

The public is encouraged to comment on the Draft Final FOST and DTSC's proposed Corrective Action Complete Determination and RCRA Facility boundary modification for MCAS El Toro during the 45-day public comment period.

The Draft Final FOST and associated documents and a copy of the proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification are available for public review and comment at MCAS El Toro and at the MCAS El Toro Information Repository. To review copies of these documents at MCAS El Toro, please contact Ms. Marge Flesch at (949) 726-5398. The Information Repository is located at: Heritage Park Regional Library 14361 Yale Avenue, Irvine, California (949) 551-7151 (call for current hours).

Access to review public records supporting the Santa Ana Regional Water Quality Control Board or Orange County Health Care Agency cleanup and corrective action decisions for underground storage tanks and above-ground storage tanks relied upon in the Draft Final FOST and proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification, including "no further action" decisions, may be reviewed by contacting the Santa Ana Regional Water Quality Control Board at (909) 782-4499 or the Orange County Health Care Agency at (714) 834-3536.

**Submitting Public Comments**

Written comments submitted on the Draft Final FOST should be postmarked, faxed, or e-mailed by **June 17, 2004** and sent to:

Mr. F. Andrew Piszkin  
Base Realignment and Closure Environmental Coordinator  
MCAS El Toro  
7400 Trabuco Road, Irvine, CA 92618  
Fax: (949) 726-6586  
e-mail: Frank.Piszkin@navy.mil

Written comments on the proposed RCRA Corrective Action Complete Determination and RCRA Facility boundary modification should be postmarked, faxed, or e-mailed by **June 17, 2004** and sent to:

Mr. Tayseer Mahmoud  
DTSC Project Manager  
5796 Corporate Avenue, Cypress, CA 90630  
Fax: (714) 484-5437  
e-mail: TMahmoud@dtsc.ca.gov

For more information on the Draft Final FOST, please call Mr. Piszkin at (619) 532-0784.  
For more information on the RCRA Corrective Action Complete Determination and RCRA Facility boundary modification, please call Mr. Mahmoud at (714) 484-5419.

THE ORANGE COUNTY REGISTER

Sunday May 2, 2004

